

**DOCKET FOR REGULAR COUNCIL MEETING OF
TUESDAY, MARCH 6, 2001 AT 10:00 A.M.
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**DOCKET FOR REGULAR COUNCIL MEETING OF
TUESDAY, MARCH 6, 2001 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at 236-6233.

ITEM-300: ROLL CALL.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the Mayor or the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
**ORDINANCE INTRODUCED AT A PREVIOUS MEETING READY FOR DISPENSING
WITH THE READING AND ADOPTION WITH RESOLUTION TO BE ADOPTED:**

ITEM-330: Two actions related to Ratification, Validation, or Readoption of Ordinances and Resolutions Related to the Ballpark and Redevelopment Project.

TODAY'S ACTIONS ARE:

Adopt the following ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2001-114)

(Introduced on 2/6/2001. Council voted 7-0. Districts 6 and 8 vacant.)

Adoption of an Ordinance readopting, validating or ratifying as necessary the following ordinances to reaffirm their validity, and the validity of the contracts and agreements authorized by them, commencing with their respective times of adoption, and to effectuate their continuing validity, and the validity of the contracts and agreements authorized by them: O-18747;

All other official acts taken on behalf of the City as of the respective times of such actions, pursuant to authorizations given by each of the Ordinances, and all other acts of the City, the City Council, and the City's officers, employees or agents implementing, related to or otherwise in furtherance of the Ordinance, MOU, the Project or any of the Ordinances, and to the maximum extent required by law, are hereby validated, ratified and approved, so as to declare their validity, commencing with their respective times of adoption and to effectuate their continuing validity;

It is the intent of the City Council that, as authorized and directed by the Ordinance and MOU, this action is in furtherance of and implements both the Ordinance and MOU and is thus administrative and non-legislative in character;

Authorizing the City Manager, City Attorney, City Clerk, and City Auditor & Comptroller to take any and all necessary or appropriate actions to implement the intent and purpose of this ordinance;

Consistent with Section XXXIII.A of the MOU, the City Council reaffirms and reserves to the City the right to determine that the terms of any City or Agency funding or financing, whether interim or permanent, must be reasonably acceptable to the City, which terms include, but are not limited to, that status of sources of revenue to pay for the funding or financing (including but not limited to hotel rooms, transient occupancy taxes and the investment from the Unified Port District), and any other matter which may affect the City's financing not only of the Project but of any other current or future City project.

Subitem-B: (R-2001-1104)

(Continued from the meeting of February 6, 2001, Item S500b, at the request of the City Attorney and City Manager, to be considered at the same time as the adoption of ordinance O-2001-114.)

Readopting, validating or ratifying as necessary the following resolutions to reaffirm their validity, and the validity of the contracts and agreements authorized by them, commencing with the respective times of adoption, and to effectuate their continuing validity, and the continuing validity of the contracts and agreements authorized by them: Nos. R-292298; R-292440; R-292441; R-292333; R-292615; R-292697; R-292698; R-292699; R-292700; R-292701; R-292702; R-292703; R-292706; R-292707; R-292800; R-293854; and R-294389;

Declaring that all other official acts taken on behalf of the City as of the respective times of such actions, pursuant to authorization given by each of the Resolutions, and all other actions of the City, the City Council and the City's officers, employees or agents implementing, related to or otherwise in furtherance of the Ordinance, MOU, the Project or any of the Resolutions, and to the maximum extent required by law, are hereby validated, ratified and approved, so as to declare their validity, commencing with their respective times of adoption and to effectuate their continuing validity;

It is the intent of the City Council that, as authorized and directed by the Ordinance and MOU, this action is in furtherance of and implements both the Ordinance and MOU and is thus administrative and non-legislative in character;

Consistent with Section XXXIII.A of the MOU, the City Council reaffirms and reserves to the City the right to determine that the terms of any City or Agency funding or financing, whether interim or permanent, must be reasonably acceptable to the City, which terms include, but are not limited to, that status of sources of revenue to pay for the funding or financing (including, but not limited to, hotel rooms, transient occupancy taxes, and the investment from the Port District), and any other matter which may affect the City's financing not only of the Project but of any other current or future City project;

Authorizing the City Manager, City Attorney, City Clerk and City Auditor & Comptroller to take any and all necessary or appropriate actions to implement the intent and purpose of this resolution.

SUPPORTING INFORMATION:

As directed by the City Council on January 30, 2001, the City Attorney has prepared the necessary action items to ratify and validate previous actions of the City Council authorizing Contracts and Agreements related to the Ballpark and Redevelopment Project. Before the Council today for consideration is one Ordinance of the City, one Resolution of the City, and one Resolution of the Redevelopment Agency, each of which constitutes a ratification of a listed number of Ordinances and Resolutions which previously authorized Contracts and Agreements.

The only action recommended for the meeting of February 6, 2001, is the introduction of the City Ordinance; it is recommended that the Resolutions be continued until the Ordinance comes back to Council for adoption so that a single adoption date will exist for each action.

Also as directed, the City Manager and City Attorney will present a comprehensive status report on the Project, including a review of each of the Contracts and Agreements that will be ratified and the circumstances of their original approval. Each of the prior Ordinances and Resolutions, including the Contracts and Agreements they authorized, will be available to the public prior to and at the Council session, and will be provided under separate cover to the City Council prior to the session.

Girard

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-331: Extension of Memorandum of Understanding Regarding the Ballpark and Redevelopment Project.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1196)

Authorizing the City Manager to execute for and on behalf of the City the Second Supplement to the Ballpark and Redevelopment Project Implementation Agreement, extending the Memorandum of Understanding to September 20, 2001;

Authorizing the City Manager to take such other and further actions as may be necessary or appropriate to implement the intent and purposes of this resolution, with the rights and obligations of the City pursuant to the Ordinance and MOU.

SUPPORTING INFORMATION:

The Memorandum of Understanding regarding the Ballpark and Redevelopment Project (MOU) was approved by the electorate on November 3, 1998. The MOU is currently set to expire by March 31, 2001, unless further extended by agreement of the parties. The MOU was originally set to expire on March 31, 2000, unless extended by agreement of the parties. The parties agreed to extend the MOU until September 30, 2000, and further until March 31, 2001, due to the inability of the City to issue its permanent financing to fund its investment in the Project. The City is still unable to issue its financing and it is necessary to further extend the MOU. It is recommended that the extension be sufficient to allow for the City to issue its permanent financing, but be without prejudice to any parties position with regard to the impact or effect of force majeure events such as pending litigation.

Girard

ADOPTION AGENDA, DISCUSSION, HEARINGS

SPECIAL HEARING:

ITEM-332: Challenge to the Election of Betty Ens as Residential Tenant/Marina District - Project Area Committee.

(See memorandum from CCDC dated 1/8/2001. Centre City Redevelopment Project Area. Districts-2, 3, and 8.)

(Continued from the meeting of February 6, 2001, Item 333, at the request of the City Manager for further review.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1002)

Ratifying the election results of November 14-16, 2000, for the Project Area Committee for the Centre City Redevelopment Project Area.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICE HEARING:

ITEM-333: Authorize and Transfer \$4.089 Million in North Bay Bond Proceeds to the City for the James Edgar and Jean Hervey Library.

(See City Manager Report CMR-01-043. Peninsula/Point Loma Community Areas. Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1166)

Approving a cooperation agreement with the Redevelopment Agency of the City of San Diego for the construction of the Point Loma Branch Library in the North Bay Redevelopment project area; making certain findings with respect thereto; stating for the record that the Environmental Impact Report prepared by the City of San Diego (SCH No. 97091022) dated May 4, 1998, and certified by City Council, has been reviewed and considered prior to approval of the Library, and directing the City Clerk to file a Notice of Determination; and authorizing acceptance and expenditure of \$4.089 million of Redevelopment Agency funds

from the Capital Improvements Program Budget for the Point Loma Library expansion (CIP-350670).

NOTE: See the Redevelopment Agency Agenda of March 6, 2001 for a companion item.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT